

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Before the court is the defendant's motion for adjustment of term of incarceration or reduction in term (#203). Judgment was entered against the defendant on September 14, 1994, and the time for filing any appeal, however this is construed, has passed. See Fed. R. Crim. P. 32; Fed. R. Crim. P. 33; Fed. R. Crim. P. 35; Fed. R. App. P. 4; 28 U.S.C. § 2255. Further, defendant, who was convicted for offenses involving methamphetamine and marijuana, is not eligible for a reduction based on the Crack Cocaine Retroactive Amendment effective March 3, 2008. Accordingly, the defendant's motion for a reduction of term (#203) is denied. The defendant's application to proceed *in forma pauperis* (#200) is also denied.

Howard D McKibbin